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Chickahominy Indian Tribe
Testimony before the U.S. House of Representatives Committee on Natural
Resources on H.R. 1385, *The Thomasina E. Jordan Indian Tribes of Virginia Federal*
Recognition Act of 2009
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Thank you Chairman Rahall and other distinguished members of this committee for inviting me here today to speak on House Bill 1385. Before I begin my remarks I must acknowledge you, Chairman Rahall, and the House Natural Resources Committee who heard testimony on H.R. 1294, carried the bill to the full house and led the bill to its eventual passage by the U.S. House of Representatives in May 2007. Today I thank you for again picking up the mantle and shepherding this true and just cause for the tribes named in H.R. 1385. The bill, introduced by Congressman Jim Moran is titled the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009. I am proud to appear before this Congressional Committee today to speak on behalf of the six Tribes named in HR 1385: the Eastern Chickahominy, the Monacan, the Nansemond, the Upper Mattaponi, the Rappahannock, and my tribe, the Chickahominy. I am honored to be testifying alongside His Excellency the Governor of the Commonwealth of Virginia, Timothy Kaine, who in his inaugural address pledged his strong support for Federal Recognition of these Virginia Indian Tribes and whose strong support continues as evidenced by his presence here today. I am also pleased to testify along with Dr. Helen Rountree, a renowned anthropologist specializing in the heritage of the Virginia Tribes, who worked on the petitions we filed with the BIA and who has written several books on the Indians of Virginia. Finally let me acknowledge the leaders of the aforementioned tribes whose compelling stories to a large degree mirror my own.

It saddens me to my very core that we have to appeal to the legislative body of arguably the greatest country in the free world; a country noted worldwide as a champion of human rights, to find redress; to correct a wrong Virginia Indians have endured since the United States was formed. A country who in its search to form a more perfect union systematically ignored those very people who helped ensure the survival of the First Permanent English Settlement at Jamestown in what is now the United States of America.

Early in the relationship between the Virginia Indian Nations and the colonists it became very apparent that there was a need to delineate a framework by which these entities could coexist. In recognition of that need, the treaty of 1614 was established between the Chickahominy Tribe and the colonists. In the intervening years several treaties were drawn between England and the Virginia Indian Nations, culminating in the treaty of 1677 called, interchangeably, the treaty of Middle Plantation or the Articles of Peace. It is noteworthy that those tribes listed in H.R. 1385 were signatories to the treaty of 1677.

The Indian Nations of Virginia never took up arms against the United States which perhaps explains why there was never a treaty between the Indian Nations of Virginia and

the United States. Without a treaty relationship there was no official relationship between the aforementioned entities. To make matters worse for the Indian Nations of Virginia the colonial government, through warfare and other means, and later the Commonwealth of Virginia, through the power of the pen, sought their elimination.

The woes that plagued the Indian Nations of Virginia were systemic. These woes were given birth and perpetuated by a system that sought to deny the very existence of the Indian Nations of Virginia. Things that other tribes took for granted like giving Indian babies traditional Indian names or ensuring proper racial designation on vital records were denied to many Virginia Indians.

I have been asked why I do not have a traditional Indian name. Quite simply my parents, as did many other native parents, weighed the situation and decided giving me a traditional Indian name was not worth the risk of going to jail. The documentary genocide the Virginia Indians suffered at the hands of Walter Ashby Plecker, a rabid separatist, who ruled over the Bureau of Vital Statistics in Virginia for 34 years, from 1912 to 1946 was well documented in an Article written by Peter Hardin of the Richmond Times Dispatch in 2000. Although socially unacceptable to kill Indians outright, Virginia Indians became fair game to Plecker as he led efforts to eradicate all references to Indians on Vital Records. A practice that was supported by the state's establishment when the eugenics movement was endorsed by leading state universities and was further supported when the state's legislature enacted the Racial Integrity Act in 1924. A law that stayed in effect until 1967 and for several decades caused many of our parents to have to travel to Washington D.C or elsewhere, in order to be married as Indians. This vile law forced all segments of the population to be registered at birth in one of two categories, white or colored. Our anthropologist says there is no other state that attacked Indian identity as directly as the laws passed during that period of time in Virginia. No other ethnic community's heritage was denied in this way. Our state, by law, declared there were no Indians in the State in 1924, and if you dared to say differently, you went to jail or worse. The Racial Integrity Act stayed in effect for half of my life. My father and his peers lived in the heart of the Plecker years and carried those scars to their graves. When I approached my father and his peers regarding our need for state or federal recognition they pushed back very strongly. In unison they said. "Let sleeping dogs lie and do not rock the boat". Their fears of reprisal against those Indian folks who had risked marrying in Virginia and whose birth records accurately reflected their identity outweighed their desire to openly pursue any form of recognition. Those fears were not unfounded because the threat of fines or jail time was very real to modern Virginia Indians. Chairman Rahall, the story I just recounted to you is very painful and I do not like to tell that story. Many of my people will not discuss what I have shared with you but I felt you needed to understand recent history opposite the romanticized, inaccurate accounts of 17th century history.

In 1997 legislation was passed that required the Commonwealth of Virginia to bear the costs of correcting the vital records of the Virginia Indians. Unfortunately, while this legislation allows those of the living generations to correct birth records, this legislation or law has not and cannot undo the damage done by Plecker and his associates to my

ancestors who endured pain and humiliation in venues as disparate as trying to obtain marriage licenses or being inducted into the Armed Forces as Indian. The pain was the direct result of distorted, altered, incorrect records. We are seeking recognition through an act of Congress because actions taken by the Commonwealth of Virginia during the 20th Century erased our history by altering key documents as part of a systematic plan to deny our existence. This state action separates us from the other tribes in this country that were protected from this blatant denial of Indian heritage and identity. We are seeking recognition through Congress because this history of racism, in very recent times, intimidated the tribal people in Virginia and prevented us from believing that the petition process would understand or reconcile this state action with our heritage. We feared the process would not be able to see beyond the corrupted documentation that was designed to deny our Indian heritage. Many of the elders in our community also feared, and for good reason, racial backlash if they sought state or federal recognition.

Chairman Rahall, the Indian Nations of Virginia worked hand in hand with the Federal Jamestown 400th Anniversary Commemoration Commission and the Virginia Jamestown 2007 Committee to provide the world with an accurate view of those significant events that marked the 17th century in what is now known as the Commonwealth of Virginia.

These tribes traveled to England telling the story of Virginia's early history. We visited St. Georges Church at Gravesend where Pocahontas is entombed. The people of England respect and honor the memory of Pocahontas. As we worshipped at St. Georges, its living congregation gave us that same kind of respect and honor. But to my utter amazement, this attitude of honor and respect transcended the spiritual and emotional service within the church and was extended to us in every venue we attended from Kent University, to Kent County Council to the House of Commons and the House of Lords. We were treated with dignity and respect at a level we have never experienced in our homeland. The citizenry and the elected officials were amazed that we are not officially recognized as Indian Tribes by the United States of America. As we traveled across Virginia and throughout the U.S. we found that people here shared the same amazement at our lack of federal recognition. I believe our people traveling to England and being embraced by its citizenry and elected officials represented a significant move toward reconciliation and healing.

I wish there was time today to tell the full story of what has happened to the Virginia Tribes since Pocahontas visited England and the Court of Queen Ann. The story of Chief Powhatan and his daughter Pocahontas is well known across this land. What about our story? For years the Commonwealth of Virginia did not care about our story. Our public school textbooks had scant mention of who we are. So, what do you know or what does mainstream America know about what happened in those years between the 17th century and today? The fact that we were so prominent in early history and then so callously denied our Indian heritage is the story that most don't want to remember or recognize. A product of the research of the history of the first permanent English Settlement at Jamestown was the revelation of what our contributions meant to its success. Audiences across the Commonwealth of Virginia have been held in rapt attention as we have shared our research. We share our connection to England and our

influence on the development of the embryonic seeds of democracy which took root in our homeland. This is a proud story which deserves a happy ending, an ending that acknowledges the sovereignty of these six Virginia Indian Nations. We must come full circle and be embraced by the Congress of the United States of America.

I and those Chiefs here with me, stand on the shoulders of many others besides Pocahontas and Powhatan. We lament the passing of nine out of ten of our countrymen by the end of the 17th century. To be sure, some of those who perished did not die by the sword; some died from diseases alien to this land and from other causes. However, the decimation of our ranks was tied directly to events that unfolded after the settlers arrived in 1607. During this period cultures were trampled upon and languages were cast aside. The native people who befriended these strangers ultimately died at their very hands. When we commemorated Jamestown's anniversary in 2007 and the birth of our Nation, those of Indian heritage in Virginia were reminded of this darker side of 17th century history.

Let me tell you how we got here today. The six tribes on this bill gained State Recognition in the Commonwealth of Virginia between 1983 and 1989. In 1997, Virginia passed the statute that acknowledged the state action re the vital records of Virginia Indians, but it couldn't fix the problem. The damage to our documented history had been done. Although there were meager attempts to gain federal acknowledgement by some of the tribes in the mid 20th century, our current sovereignty movement began directly after the passage of the legislation acknowledging the attack on our heritage. In 1999, we came to Congress when we were advised by the BAR (Bureau of Acknowledgement and Research) now OFA (Office of Federal Acknowledgement) that many of us would not live long enough to see our petition go through the administrative process. A prophecy that has come true. We have buried three of our chiefs since then. Given the realities of the OFA and the historical slights suffered by the Virginia Indian Tribes for the last 400 years, the six tribes referenced in HR 1385 feel that our situation clearly distinguishes us as candidates for Congressional Federal Recognition.

As Chief of my community, I have persevered in this process for one reason. I do not want my family or my community to let the legacy of Walter Plecker stand. I want the assistance of Congress to give the Indian Communities in Virginia, their freedom from a history that denied their Indian identity. Without acknowledgment of our identity, the harm of racism is the dominant history. I want our children and the next generation, to have their Indian Heritage honored and to move past what we experienced and our parents experienced. We, the leaders of the six Virginia Tribes, are asking Congress to help us make history for the Indian people of Virginia, a history that honors our ancestors who were there at the beginning of this great country.

We believe the Federal Recognition of the Virginia Indian Tribes will make a difference that goes beyond the stamp of recognition. It will reconcile the history, in this country, between two cultures in a way that honors our story of learning to live together in peace and in love. It will honor our Natives who have served in the military and who, as a percentage of their population, have given the ultimate sacrifice at a rate higher than any

other racial group in the United States. That is what we want for our people, and for our nation. Our visit to England in which we shared our culture and history, described our contemporary lifestyles as both contributors to the American way of life and aspirants to the American Dream, has strengthened our resolve to obtain federal acknowledgement. It has made us understand that we deserve to be on a level playing field with the other 562 odd tribes who are federally acknowledged. It has made us unwilling to accept being discriminated against because of both a historical oversight and the concerted efforts of our Commonwealth to deny to us our rightful heritage.

What difference would Federal Recognition make in the daily lives and in the future of the Virginia Tribes? It guarantees our access to archaeological endeavors on public lands and rights of way and the ability to retrieve the bones of our ancestors from federal repositories. It would create a government to government relationship between the tribes and the federal government. It would provide our youth of tomorrow the assurance of their existence in the future. It would mean that important medical and educational opportunities would exist for the members of the tribes.

The Commonwealth of Virginia has taken definitive actions to right the wrongs inflicted upon its indigenous peoples and stands with us today. In 1983 the Commonwealth of Virginia established the Virginia Commission on Indians which later became the Virginia Council on Indians. Governor Kaine has appointed Virginia Indians to boards, commissions and leadership positions within state agencies. He has ensured the involvement of Virginia Indians in defining and developing the framework for the standards of learning which will influence the content of history and social studies textbooks to be used in Virginia's public schools. We believe it is time for the United States Congress to stand alongside the Commonwealth of Virginia and the Tribes named in H.R. 1385 and grant us the Recognition we deserve.

Recognition acknowledges we were here first, we are still here, and we have a unique position within the fabric of this nation. Recognition now is about the future more so than it is about the past. The Virginia Tribes have been here for almost 20,000 years and we hope to be here another 20,000.

We, the Chickahominy, the Eastern Chickahominy, the Monacan, the Nansemond, the Upper Mattaponi, and the Rappahannock Tribes implore you to pass the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009.

Thank you,
Chief Stephen R. Adkins